

Public Intoxication and PAULA expungement provisions

* Proposed changes to § 123.47(5) with additions in **bold** and deletions ~~struck through~~:

5. Upon the expiration of two years following conviction for a violation of this section, a person may petition the court to ~~exonerate the person of~~ **expunge** the conviction, and if the person has had no other criminal convictions, other than simple misdemeanor violations of chapter 321 during the two-year period, the ~~person shall be deemed exonerated of the offense~~ **conviction shall be expunged** as a matter of law. The court shall enter an order ~~exonerating the person of the conviction, and ordering~~ that the record of the conviction be expunged by the clerk of the district court.

* Proposed addition to § 123.47:

7. Upon the expiration of two years following conviction for a violation under subsection 2 of this section, a person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than simple misdemeanor violations of chapter 321 during the two-year period, the conviction shall be expunged as a matter of law. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. An expunged conviction shall not be considered a prior offense for purposes of enhancement under subsection 3 unless the new violation occurred prior to entry of the order of expungement.

LEGISLATIVE AGENDA ITEM SUMMARY

Summary of legislative item:

This proposal allows for the expungement of PAULA convictions after two years and edits the corresponding provision for public intoxication convictions.

Reason for proposal:

The section council believes a process should exist to allow for expungement of PAULA convictions after a reasonable period and under certain conditions.

How does the proposal change the law:

Adds an expungement provision to § 123.47 (PAULA) and edits § 123.46 (public intoxication) to replace references to “exoneration” with “expungement.”

Parties in favor of proposal:

Both prosecution and defense attorneys involved with the section council have expressed support for the proposal.

Parties opposed to proposal:

None known.